

CHAMBERS COPY

ORIGINAL

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

JOSE CORTEZ, an Individual,
Plaintiff,

-vs-

LERROY D. BACA, SHERIFF OF
THE LOS ANGELES COUNTY
SHERIFF'S DEPARTMENT;
THE COUNTY OF LOS
ANGELES, a Municipal
Corporation; LOS ANGELES
COUNTY DEPUTY SHERIFF
CASTLE, BADGE NO. 515174,
an Individual; AND LOS
ANGELES COUNTY DEPUTY
SHERIFF BRADEN, BADGE
NO. 405667, an Individual,
Defendants.

CASE NO. CV11-03274 DDP (AGR_x)

[HON. DEAN D. PREGERSON, JUDGE]

"DISCOVERY MATTER"

~~PROPOSED~~ STIPULATED
PROTECTIVE ORDER; AND ORDER
THEREON

Comp. Filed: 4/18/11
Disc. Cut-Off: 5/31/12
Pretrial Conf: 9/17/12
Trial Date: 10/16/12

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Stipulated Protective Order w/da

COMES NOW Plaintiff JOSE CORTEZ ("Plaintiff") and Defendants LEROY D. BACA, SHERIFF OF THE LOS ANGELES COUNTY SHERIFF'S DEPARTMENT; THE COUNTY OF LOS ANGELES; and LOS ANGELES COUNTY DEPUTY SHERIFFS CASTLE and BRADEN ("Defendants"), and submit this [Proposed] Stipulated Protective Order and Order Thereon to address the use of information and documents pertaining to Deputy Sheriffs Castle and Braden following the January 10, 2012 ruling of the Court on Plaintiff's Motion for Order Compelling Production of Documents Propounded to Defendant.

A. WHEREAS, Plaintiff served his Request for Production of Documents, Set One, to Defendant LEROY D. BACA, SHERIFF OF THE LOS ANGELES COUNTY SHERIFF'S DEPARTMENT ("BACA") on September 1, 2011, for which a timely response was served on October 3, 2011; and

B. WHEREAS, on December 15, 2011, Plaintiff filed a Motion for Order Compelling Production of Documents and for Sanctions and filed a Supplemental Memorandum on December 27, 2011; and

C. WHEREAS, on January 10, 2012, the Court issued the following orders for production of documents which are encompassed by this Stipulated Protective Order:

i. **Request for Production No. 2:** Defendant BACA is ordered to produce the following documents from the Los Angeles County Sheriff's Department personnel files of Deputies Castle and Braden:

- (a) Any and all complaints of excessive force incidents;
- (b) All previous law enforcement work experience;
- (c) All training records;
- (d) All performance evaluations; and
- (e) All fitness for duty evaluations.

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ii. **Request for Production No. 3:** Defendant BACA is ordered to produce any and all formal or informal accusations of excessive force against Defendant Deputy Castle and Deputy Braden from any source from April 24, 2005 up to and including January 10, 2012.

D. WHEREAS, a protective order pursuant to Fed. R. Civ. P. 26(c) is warranted in this litigation for production of documents responsive to Request for Production Nos. 2 and 3, above.

IT IS STIPULATED THAT:

1. The documents and information contained therein referred to above in paragraphs C(i) and C(ii), above, shall be referred to collectively as the "CONFIDENTIAL INFORMATION." The parties and their respective counsel hereby stipulate the CONFIDENTIAL INFORMATION shall be used in this litigation only as follows:

(a) CONFIDENTIAL INFORMATION and the information contained therein shall be used solely in connection with this litigation and the preparation of this case, or any related appellate proceeding, and not for any other purpose, with the exception that the CONFIDENTIAL INFORMATION may be used by Plaintiff in any administrative proceedings arising out of the events that form the basis of this action;

(b) CONFIDENTIAL INFORMATION produced in this action shall be designated by Defendants by marking each page of the document(s) with a stamp stating "CONFIDENTIAL";

(c) Under no circumstances shall the CONFIDENTIAL INFORMATION, or the information contained therein, be retained, compiled, stored, used as a database, or disseminated, in any form, except for purposes of this litigated matter in accordance with this Protective Order or by further Order of the Court;

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Stipulated Protective Order wpd

(d) CONFIDENTIAL INFORMATION and the information contained therein may only be disclosed to the following persons:

- i. Counsel for Plaintiff;
- ii. Plaintiff;
- iii. Paralegal, law clerk, stenographic, clerical, and secretarial personnel, court reporters, and interpreters retained or utilized by counsel for the parties;
- iv. Court personnel, including court reporters, necessary for processing of this action; and
- v. Any expert or consultant retained in the instant case; and
- vi. Any individual approved by the Court or stipulated to in writing by counsel for the parties.

(e) CONFIDENTIAL INFORMATION shall not be divulged to any other person or entity, including the print, radio, and television media;

(f) CONFIDENTIAL INFORMATION shall not be posted on the Internet or on any website;

(g) If CONFIDENTIAL INFORMATION is included in any papers to be filed in Court, such papers shall be labeled "Confidential - Subject to Court Order" and filed under seal in accordance with Local Rule 79-5.1. The CONFIDENTIAL INFORMATION shall maintain its confidential status in accordance with Local Rule 79-5.2.

(h) Nothing herein is intended to prevent authorized government officials for the County of Los Angeles from having access to the documents in the normal course of their job duties.

2. Plaintiff's and Defendants' counsel shall obtain an Agreement to Comply with Terms of Protective Order from each person to whom confidential materials are disclosed in accordance with this Order. (A true and correct copy of said Agreement to Comply is attached hereto as Exhibit "A.")

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Stipulated Protective Order, pp1

3. After completion of the judicial process in this case, including any administrative proceedings, appeals, or other termination of this litigation, all CONFIDENTIAL INFORMATION received under the provisions of this Order and copies thereof shall be destroyed or returned to the attorneys of record for Defendants. The provisions of this Order shall be in effect until further Order of this Court.

4. Any counsel, expert or consultant retained in the instant case or investigator retained by counsel for any party to this case, shall not disclose the CONFIDENTIAL INFORMATION or the information contained therein in any other court or administrative proceeding subject to further Order of this Court.

5. Provisions of this Stipulation insofar as they restrict disclosure and the use of material shall be in effect until further Order of this Court.

IT IS SO STIPULATED BY COUNSEL FOR THE PARTIES.

DATED: January 17, 2012

KOLLENDER & SARGOY

By: 

KENNETH J. SARGOY

Attorneys for Plaintiff JOSE CORTEZ

DATED: January 17, 2012

SEKI, NISHIMURA & WATASE

By: 

GILBERT N. NISHIMURA

Attorneys for Defendants COUNTY OF LOS ANGELES, SHERIFF LEROY BACA, DEPUTY CASTLE, AND DEPUTY BRADEN

IT IS SO ORDERED.

DATED: January 19, 2012



HON. ALICIA G. ROSENBERG

UNITED STATES MAGISTRATE JUDGE

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Stipulated Protective Order, vol. 1

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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10 **WESTERN DIVISION**

11 JOSE CORTEZ, an Individual,
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[HON. DEAN D. PREGERSON, JUDGE]

"DISCOVERY MATTER"

**AGREEMENT TO COMPLY WITH
TERMS OF PROTECTIVE ORDER**

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23 KOLLENDER & SARGOY
2029 Century Park East
24 Third Floor
Los Angeles CA 90067-2904
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I hereby acknowledge that I have read (or I have been read the translation of) and understand the Protective Order entered on _____, 2012 in the above captioned case, a copy of which is attached. I recognized that I am bound by the terms of the Protective Order and I agree to comply with those terms. I agree not to disclose information designated thereunder as "Confidential Material" to any person not entitled to access to such information under the Protective Order. I further agree to use confidential material only in the manner provided for in the Protective Order and not for any other purpose. I hereby consent to the jurisdiction of the United States District Court for the Central District of California with respect to any proceedings relative to the enforcement of that Protective Order.

Date: _____ Signature _____

Printed Name: _____

Business Address: _____ OR

Home Address: _____

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Exhibit "A"